

Statement of
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“Law Enforcement and the Fight Against Methamphetamine”

Chairman Souder, and distinguished members of the House Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources, on behalf of Administrator Karen Tandy, I appreciate your invitation to testify today on the importance of law enforcement’s fight against methamphetamine.

Overview

Until the late 1980’s, methamphetamine’s popularity was primarily confined to the West Coast and the Southwest. By the early 1990’s, methamphetamine was gaining in popularity, spreading west to east across the country, and hitting rural areas particularly hard. At present, the United States is experiencing an unprecedented rise in the use, trafficking, and manufacturing of methamphetamine. The wholesale abuse of the drug itself is serious enough. But when we factor in the toxic environmental effects from unregulated chemicals used in clandestine laboratories, we see that methamphetamine is taking a terrible toll. No community is immune.

In an effort to address the social ramifications associated with this growing menace, the Drug Enforcement Administration (DEA) aggressively targets those who traffic in and produce this dangerous drug, as well as those who traffic in the chemicals utilized to manufacture methamphetamine. We have initiated and led successful enforcement efforts focusing on methamphetamine and precursor chemicals and have worked jointly with our federal, state and local law enforcement partners. The efforts of law enforcement have resulted in major successful investigations, which have dismantled and disrupted high-level methamphetamine trafficking organizations, as well as dramatically reduced the amount of pseudoephedrine entering our country, particularly along the Northern Border.

Unable to accomplish this task alone, the DEA shares its expertise by training thousands of law enforcement officers from all the over country. Law Enforcement personnel gain the necessary expertise and are provided equipment needed to safely and

properly deal with clandestine laboratories from our DEA training programs. Meanwhile, we closely monitor state legislation that addresses methamphetamine and pseudoephedrine.

Battling Methamphetamine

There are three distinct components to combating the overall methamphetamine problem: first, enforcement; second, comprehensive domestic and international precursor chemical control; and third, the identification and cleanup of the growing number of small toxic laboratories (STL's).

As a result of our efforts and those of our law enforcement partners in the U.S. and Canada, we have seen a dramatic decline in methamphetamine "super labs" in our country. Since 2001, the number of super labs seized in the U.S. has dropped 79 percent. Enforcement efforts have also led to an 85 percent reduction in the amount of pseudoephedrine, ephedrine and other methamphetamine precursors seized at the Canadian border, and the price of black market pseudoephedrine in California has doubled. In the past seven years, more than 2,000 chemical registrants have been denied, surrendered, or have withdrawn their registrations or applications as a result of DEA investigations. Between 2001 and 2003, DEA Diversion Investigators physically inspected almost half of the 3,000 chemical registrants at their places of business, investigating the adequacy of their security safeguards to prevent the diversion of chemicals to the illicit market, and auditing their recordkeeping to ensure compliance with federal regulations.

Internationally, the DEA is working with our foreign counterparts to prevent the diversion of pseudoephedrine from Europe, China and India to methamphetamine producing countries. We have DEA Task Forces nationwide, as well as specialized teams of DEA Agents, who investigate clandestine laboratory operators. These types of investigations require specialized training, which our Special Agents and thousands of state and local officers have received at DEA's training academy in Quantico, Virginia.

The DEA spends an estimated \$145 million annually to combat methamphetamine. This includes an estimated \$119 million on enforcement, tracking chemicals and investigating illegal shipments of pseudoephedrine, ephedrine and other precursors used to manufacture methamphetamine. It also includes approximately \$4 million in DEA funds for clan lab cleanup, and almost \$2 million for lab cleanup equipment. In addition, DEA manages \$20 million from the Community Oriented Police Services (COPS) program which is dispersed for state and local clan lab cleanup.

DEA's Clandestine Laboratory Training

As the number of nationwide clandestine laboratory seizures continues to mount into the thousands, there has been a corresponding demand for related training from state and local law enforcement organizations. Since 1998, with funding received originally through the COPS program and then through direct appropriations to the annual budget,

the DEA has offered a robust training program for state and local officers. The DEA provides basic and advanced clandestine laboratory safety training for state and local law enforcement officers and Special Agents at the DEA Clandestine Laboratory Training Facility. Established instruction includes the Basic Clandestine Laboratory Certification School, the Advanced Site Safety School, and the Clandestine Laboratory Tactical School.

Each course exceeds Occupational Safety Health Administration (OSHA)-mandated minimum safety requirements, lasting approximately one week, and is provided at no cost to qualified state and local law enforcement officers. The specialized Clandestine Laboratory Training Unit also provides in-service training and seminars for law enforcement groups such as the Clandestine Laboratory Investigator's Association and the International Association of Chiefs of Police. The Unit also conducts a number of courses off-site each year to meet regional training demands and provides annual recertification training as required by OSHA.

Since FY 2000, the DEA's Office of Training has conducted numerous clandestine laboratory schools and has provided basic training/certification to over 6,100 state and local law enforcement officers from across the country. Additionally since 1999, the DEA has provided clandestine laboratory awareness training to approximately 17,000 students per year. The Office of Training also provides clandestine laboratory awareness and "train the trainer" programs that can be tailored for a specific agency's needs, with classes ranging in length from one to eight hours. DEA training is pivotal to ensuring safe and efficient cleanup of methamphetamine lab hazardous waste.

In addition to training our own agents and state/local counterparts in the United States, we also train our counterparts in other countries regarding precursor chemical control, investigation and prosecution. In particular, we have provided training regarding the investigation and prosecution of precursor chemical diversion to our Mexican counterparts on five occasions since June of 2003. This training was provided to over 100 officials who regulate precursor chemicals and pharmaceuticals at the state and federal level within Mexico, as well as agents from the Agencia Federal de Investigaciones (AFI) and several prosecutors within the Mexican Organized Crime Unit (SIEDO).

Hazardous Waste Cleanup

The DEA has heightened its enforcement efforts concerning methamphetamine trafficking in recent years. State and local agencies have also witnessed an increase in the number of organizations operating illicit methamphetamine laboratories in their jurisdictions. This has resulted in a dramatic increase in the number of clandestine laboratories seized throughout the United States. When a federal, state or local agency seizes a clandestine methamphetamine laboratory, Environmental Protection Agency regulations require that the agency ensure that all hazardous waste materials are safely removed from the site.

In 1990, the DEA established a Hazardous Waste Cleanup Program to address environmental concerns from the seizure of clandestine drug laboratories. We enlisted the services of the private sector to aid in environmentally sound clandestine drug laboratory cleanup. Private contractors provide hazardous waste removal and disposal services to the DEA, as well as to state and local law enforcement agencies. This program promotes the safety of law enforcement personnel and the public by using qualified companies with specialized training and equipment to remove hazardous waste generated by these clandestine labs.

The DEA's hazardous waste program, with the assistance of the COPS program, supports and funds the cleanup of a majority of the laboratories seized in the United States. Between 1992 and 2004, the number of clandestine lab related cleanups increased from 394 to nearly 17,000. Even though the number of cleanups has increased by over 4,000 percent, the average cost per cleanup has continued to decrease since the DEA first began using contractor services in the early 1990's. Currently, the average cost per cleanup is \$1,900, down from \$3,300 in FY 2002. In a continuing effort to reduce the costs of lab cleanups, the DEA initiated the Clandestine Lab Container Program. This pilot program, in conjunction with the state of Kentucky, reduced law enforcement overtime costs and hazardous material cleanup by streamlining the process. The average cost of cleanup in this project is \$320.

Methamphetamine's Innocent Victims

In addition to the evident drain on law enforcement resources, the demands on medical, social, environmental, and public health and safety services continue to grow. This is particularly true when it comes to the health and safety of children exposed to the toxic chemicals used in the manufacture of this illegal substance. STL's account for the vast majority of clandestine labs seized and are often discovered in vehicles, buildings, and homes. Many of these lab sites are also locations where children live and play. According to the El Paso Intelligence Center (EPIC) over 3,000 children were present during the seizure of clandestine laboratories nationwide in 2003.

More than any other controlled substance, methamphetamine trafficking endangers children through exposure to drug abuse, neglect, physical and sexual abuse, toxic chemicals, hazardous waste, fire and explosions. In response to these tragic phenomena, the DEA has enhanced its Victim Witness Program to identify, refer and report these incidents to the proper state agencies. Each of the DEA's Field Divisions has a Victim/Witness Coordinator to ensure that all endangered children are reported. This DEA program guarantees that endangered children are identified and that the child's immediate safety is addressed at the scene through coordination with child welfare and health care service providers.

Small but dangerous methamphetamine laboratories pose threats not only to our citizens, but to the environment as illicit lab operators discharge their toxic waste on the ground, into waterways or down the drain. Last year, there were approximately 17,000

clandestine laboratory related incidents (including seizures of laboratories and dumpsites) reported to EPIC by U.S. law enforcement agencies. Clearly, given a problem of this magnitude, there is a need for new approaches and stronger regulatory controls on precursor chemicals used to manufacture methamphetamine.

New Approaches: The National Synthetic Drugs Action Plan

In late October of this year, the Administration released the National Synthetic Drugs Action Plan. In doing so, the Department of Justice, the DEA and ONDCP proclaimed the seriousness of the challenges posed by methamphetamine - along with other synthetic drugs and diverted pharmaceuticals - as well as our resolve to confront those challenges. The Action Plan outlines specific steps the federal government will take to accelerate our national efforts against these harmful substances. Many of the recommendations in this Action Plan represent cutting edge approaches. For example, we will refine an “early warning” system to detect and respond to new drug threats, the “next methamphetamine,” before it builds into a larger drug threat.

Many of the most forward-looking recommendations in the Action Plan relate to regulatory initiatives to control precursor chemicals that are diverted to the illicit production of methamphetamine. This includes removal of the so-called “blister pack” exemption from regulatory controls by appropriate legislation. This exemption has proven to be a loophole exploited by clandestine lab “cooks.” The plan also supports legislation to enable imposition of import controls on bulk ephedrine and pseudoephedrine that would limit imports to the quantity needed to support legitimate commercial needs. This is similar to the quota system for Schedule I and II controlled substances that is currently in place. An adjunct to this authority would be new tools to regulate the after-import chemical “spot market” by which some firms are able to sidestep chemical controls currently in place.

We cannot address methamphetamine without the assistance of our international counterparts. The Action Plan recognizes the need to strengthen our cooperation with Mexico by (1) increasing the effectiveness of bilateral chemical control efforts, and (2) providing training and technical assistance to our Mexican law enforcement colleagues, so that they can detect and safely seize and dismantle the methamphetamine labs that are now beginning to proliferate in that country. Mexico is showing welcome initiative in addressing the critical aspects of this problem: chemical control, criminal investigations, and lab seizures and cleanup.

The Action Plan also suggests strengthening the worldwide chemical control system to make chemical controls more formal and universal. Methamphetamine is made from diverted chemicals, and chemical commerce is highly international.

The DEA and our colleagues at the Department of Justice and throughout the Administration are committed to the Action Plan. We will participate actively in our assigned interagency working groups to implement the recommendations in the plan. The Action Plan is a promising roadmap, but continuing adjustments in priorities and

approaches will inevitably be needed to respond to changes and challenges that we face.

Regulating Methamphetamine's Precursor Chemicals

The regulation of ephedrine and pseudoephedrine is a vital part of the overall strategy to combat the spread of methamphetamine abuse. Ephedrine and pseudoephedrine are the primary ingredients necessary to make methamphetamine. These chemicals are commonly available as single entity or combination over-the-counter (OTC) products. As a consequence of the proliferation of small toxic labs across the country, federal, state and local legislators have moved to limit easy access to these products

The type of these restrictions varies from one jurisdiction to another. The most common form of restriction limits the amount of pseudoephedrine that can be purchased at one time. This varies from 3 to 9 grams of pseudoephedrine per purchase. Current federal law restricts the purchase to 9 grams per transaction unless sold in blister packs, which are protected by the "safe harbor" provision of the Controlled Substances Act. A number of states have regulated the manner in which pseudoephedrine products are sold. Many states have enacted laws which make it a crime to possess pseudoephedrine with intent to manufacture methamphetamine.

State measures have focused on limiting the amount of pseudoephedrine products that may be purchased; the location and manner in which the product may be purchased; and requirements for the process of the purchase itself. Because state action regulating methamphetamine precursor chemicals is a recent development, the Administration will wait for better data and information to emerge before commenting on the effectiveness and impact of any particular action in reducing methamphetamine availability or methamphetamine laboratory numbers and how they relate to Federal policy.

As part of the National Synthetic Drugs Action Plan we will work with other agencies over the next several months to closely analyze the data and results in states where these new measures have been implemented. The Plan also calls for a Synthetic Drugs Interagency Working Group. As part of this group, the DEA will measure the effects of these state efforts in order to assist in the formulation of the most effective federal policy to curb further proliferation of methamphetamine production.

Conclusion

The DEA is energetically combating our national methamphetamine epidemic on several fronts. We are working closely with state and local law enforcement to eliminate the spread of small toxic labs. Our efforts also include preventing diversion and targeting the traffickers of precursor chemicals on a domestic and international level, as well as providing training and assistance to state and local law enforcement officers throughout the United States.

Mr. Chairman, the DEA will continue to devote its resources to identify,

investigate, and dismantle the organizations responsible for the spread of methamphetamine across our country. Control of precursor chemicals is one of the most effective tools in the fight against illicit methamphetamine production. Stricter regulatory controls would support our enforcement efforts and assist in reducing the number of small toxic laboratories.

Thank you for your recognition of this important issue and the opportunity to testify here today. I will be happy to answer any questions you may have.